

FILED

DEC 14 2005

MINUTES OF THE UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA
By [Signature] Deputy

Shearer v. United States
Case No. A03-0263 CV (JKS)

By: THE HONORABLE JAMES K. SINGLETON

Deputy Clerk: Dan Maus, Case Management: 677-6123

PROCEEDINGS: ORDER FROM CHAMBERS

Paul G. Shearer seeks reconsideration of this Court's Order at Docket No. 57 staying further proceedings as to certain parcels until their validity had been determined. Docket No. 62. The Court decided the Motion to Stay at Docket No. 49 in the context of deciding other Motions. In his Motion for Reconsideration, Shearer points out that the time for opposing the Motion to Stay had not run, that he intended to oppose the motion, as evidenced by his request for additional time to oppose, and that he was denied due process by the Court's premature ruling.

Shearer has set out his reasons for opposing the Motion to Stay as part of his Memorandum in support of the Motion for Reconsideration. The Court concludes that Shearer is correct, and that he did not have the full time allowed by the rules before this Court ruled on the Motion to Stay. However, after reviewing the Motion and Memorandum presented at Docket No. 62, the Court offers the following: the Court remains convinced that the validity of the claims should be resolved prior to a determination of just compensation. The Court is not convinced that the Government's power to determine the validity of the claims disappeared by operation of law because of the parties' dealings regarding § 120, nor does the Court believe that the Government's actions waived or forfeited its right to determine validity.

IT IS THEREFORE ORDERED:

The Motion for Reconsideration at **Docket No. 62** is **DENIED**.

Entered at the direction of the Honorable James K. Singleton, United States District Judge.

DATE: December 14, 2005

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dm 12-14-05

✓ D. DUNSMORE (AUSA)
✓ P. SHEARER

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